

REMARKS/ARGUMENTS

The claims are 1-7 and 9, claims 10, 11, 14-15 having been withdrawn from consideration by the Examiner as directed to a non-elected invention. Claim 1 has been amended to better define the invention and to incorporate subject matter previously appearing in claims 12 and 13. Accordingly, claims 12 and 13 have been canceled, and claims 6, 7 and 9 have been amended in view of the amendment to claim 1. In addition, claim 8 has been canceled. Support for the claims may be found, inter alia, in the disclosure in the last paragraph on page 6, in the paragraph bridging pages 6-7 and in pages 19-20. Reconsideration is expressly requested.

Claim 7 was objected to because the Examiner believed that the first "said" in line 2 of that claim referred to the "unlocking mechanism", which was said not to be recited in the claim. It is respectfully submitted that the Examiner has misunderstood claim 7, and that the first "said" term correctly refers to the "at least one slide", which is part of the unlocking mechanism recited in claim 6 on which claim 7 depends. In any event, Applicants have amended claim 7 to refer to said

second slide as recited in amended claim 6, and it is respectfully requested that the Examiner's objection to claim 7 be withdrawn.

Claims 1-7, 9 and 12-13 were rejected under 35 U.S.C. 102(b) as being anticipated by *Johnson et al. U.S. Patent No. 5,769,826*. The remaining claim 8 under consideration was rejected under 35 U.S.C. 103(a) as being unpatentable over *Johnson et al.* in view of *Fujii et al. U.S. Patent No. 5,797,490*. Essentially, the Examiner's position was that *Johnson et al.* discloses the hollow needle holder recited in the claims except for having two slides as recited in claim 8, which is said to be shown by *Fujii et al.*

In response, Applicants have amended claim 1 to better define the invention and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1, as amended, Applicants' invention provides a hollow needle holder including a hollow needle container, a hollow needle fixing device, and an unlocking mechanism. The hollow needle container has first and second faces, and the hollow needle fixing device is disposed from the

inside on the second face for receipt of a hollow needle or an adapter for a hollow needle attachable to the hollow needle fixing device from the outside through an opening in the second face. The unlocking mechanism releases the hollow needle or adapter after use so that the hollow needle fixing device together with the hollow needle or adapter falls into the hollow needle container after activation of the unlocking mechanism. In addition, the unlocking mechanism has a closure device that includes at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container.

By fixing the hollow needle fixing device in place on the hollow needle holder from the inside of the holder, the hollow needle is reliably prevented from falling off and cannot fall out of the container. Because Applicants' hollow needle holder attaches the hollow needle to the hollow needle fixing device from the outside through an opening in the second face, it is possible to adapt a hollow needle in size, length, etc. to the particular use of the hollow needle holder. Moreover, through the use of an unlocking mechanism having a closure device including at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container, both the

unlocking of the needle and the closing of the hollow needle holder can reliably be performed in one activation step by pushing the respective slide.

*Johnson et al.* fails to disclose or suggest a hollow needle holder having the structure recited in claim 1, as amended, or to teach the benefits that accrue from having a hollow needle or an adapter for a hollow needle attachable to the hollow needle fixing device on the outside through an opening in the second face of the hollow needle container and from an unlocking mechanism having at least one slide for both unlocking the hollow needle fixing device and closing the hollow needle container.

Although in *Johnson et al.* the hollow needle fixing device is also attached to the second face from inside the holder, the needle (40) itself in *Johnson et al.* is already fixed in the hollow needle fixing device as evident from FIG. 1. This arrangement has the disadvantage that the hollow needle holder must be configured with the needle for use during production. Thus, it is not possible with *Johnson et al.*'s arrangement to adapt a hollow needle in size, length, etc. before the individual use of the hollow needle holder. Further, in *Johnson et al.* the

second opening is not configured as to enable the insertion of the needle through the opening (17) of the second face as this opening is secured with a rubber puncture pad (80). Thus, it is not possible in *Johnson et al.* to attach the hollow needle to the hollow needle fixing device from the outside through an opening in the second face of the hollow needle holder according to claim 1, as amended.

Moreover in *Johnson et al.* a respective slide (70) has the function only to unlock the hollow needle fixing device as evident from the combination of FIG. 2 and 3. FIG. 2 of *Johnson et al.* shows the needle holder after activation of the unlocking mechanism. In this state, the large opening (74) of the slide (70) remains unclosed as the needle (40) projects through the opening. Thus, in *Johnson et al.* neither the needle holder is completely closed after activation of the unlocking mechanism nor is the slide itself used as a closure device. In Applicants' hollow needle holder as recited in claim 1 as amended, however, the unlocking of the needle and the closing of the hollow needle holder can reliably be performed in one activation step by pushing the respective slide which is nowhere disclosed or suggested by *Johnson et al.*

The defects and deficiencies of the primary reference to *Johnson et al.* are nowhere remedied by the secondary reference to *Fujii et al.* *Fujii et al.* discloses a holder with two slides (22 and 23); however, as evident from FIG. 5, the slides (22 and 23) form the hollow needle fixing device and are not used as a means for unlocking a hollow needle fixing device disposed from the inside of the hollow needle holder on the second face of the holder. Thus, the holder according to *Fujii et al.* has the disadvantage that after moving the slides (22 and 23), the needle is completely free to fall out of the needle holder to the outside. Thus, after unlocking, the needle is not safely contained in a closed container formed by the hollow needle holder. Further, after release of the slides in *Fujii et al.*, a large opening in the needle holder remains unclosed and the slides do not act as a closure device.

Therefore, even if one were to make the hypothetical combination suggested by the Examiner of combining *Fujii et al.* with *Johnson et al.* one skilled in the art would still not achieve Applicants' hollow needle holder as recited in claim 1 as amended, or any of the advantages accruing therefrom.

Accordingly, it is respectfully submitted that the claims are patentable over the cited references.

In summary, claims 1, 6, 7 and 9 have been amended, and claims 8, 12 and 13 have been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

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